

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

In re:	§	
	§	
PETER GEORGE JOKOLA	§	
THERESA ANN JOKOLA	§	CASE NO: 02-61907
	§	
DEBTORS	§	CHAPTER 13

MOTION TO REOPEN CLOSED CASE

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Douglas Leland Barr, party in interest in the above-captioned Chapter 13 proceeding, and files this his Motion to Reopen Closed Case, and in support thereof would respectfully show as follows:

1. This Motion is brought pursuant to 11 U.S.C. § 350(b). The Court has jurisdiction of this matter under 28 U. S. C. §§ 1334(a) and 157(a). This is a core proceeding pursuant to 20 U.S.C. § 157 (b)(2)(A) and (O).
2. On August 30, 2002, the Debtors, Peter George Jokola and Theresa Ann Jokola, filed for relief under Chapter 13. The case was assigned number 02-61907 and Ray Hendren was appointed Chapter 13 Trustee.
3. The Debtors' plan was confirmed on July 16, 2003. The case was subsequently dismissed on October 31, 2003 for failure of the Debtors to make plan payments.

4. At the time a case is filed under Chapter 13, all assets that belong to the Debtors become property of the estate. 11 U.S.C. § 541 and 1306.

5. In or about October 2002, while this case was pending before this Court, the Debtors entered into an agreement with Mr. Barr to mine limestone from a quarry north of Groesbeck, Texas. Pursuant to the agreement, the Debtors were to be paid for each ton of limestone removed and sold.

7. On November 13, 2002, the Debtors filed amended Schedules B & C; however, they failed to disclose their agreement with Mr. Barr as an asset, or to disclose the payments to be made under the agreement. Further, though entering into an agreement to sell property of the estate, they never sought the approval of the Court or the Trustee.

8. In or about October 2007, the Debtors filed suit against Douglas Lee Barr, individually and d//b/a Texas Rock and d/b/a CC Stone Corporation. In this suit the Debtors seek to recover from Barr amounts allegedly due under the aforementioned agreement.

9. Since the agreement related directly to property of the bankruptcy estate, issues arising under it and pertaining to property of the bankruptcy estate should properly be resolved in the bankruptcy court.

10. Movant seeks an order reopening this case in order to permit the parties to proceed in resolving disputes relating to the agreement and the estate's property.

WHEREFORE, PREMISES CONSIDERED, Douglas Lee Barr, individually and d//b/a Texas Rock and d/b/a CC Stone Corporation, prays that this Court enter an Order re-opening this Chapter 13 case; Debtor prays for general relief.

Respectfully submitted,

JOSEPH D. OLSON & ASSOCIATES, P. C.

/s/Phillip F. Arrien

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ATTORNEYS FOR DOUGLAS LEE BARR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Reopen Closed Case was served upon the following individuals by electronic means as listed on the Court's ECF noticing system or by United States first class mail, postage prepaid, on this 7th day of November, 2008.

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United States Trustee
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Scott H. James
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Sun Tech, Inc.
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UltraFab Inc.
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AT&T
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Dallas, TX 75263

Agriland PCA
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Allied Interstate
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Credit Bureau Collection
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/s/Phillip F. Arrien
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